

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**MARTHA VASSALLE, et al.**

Plaintiffs,

vs.

**MIDLAND FUNDING LLC, et al.**

Defendants.

Case No. 3:11-cv-0096

Judge David A. Katz

**And Related Cases:**

Case No. 3:08-CV-1434, N.D. Ohio

Case No. 3:10-cv-0091, N.D. Ohio

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**MOTION FOR LEAVE TO FILE PROPOSED ALLOCATION OF FUNDS**

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Class Counsel hereby respectfully moves for leave to file with the Court, for the Court's consideration, a proposal for the allocation of those funds that will remain in the Settlement Fund, all of which are held for the benefit of the Class.

Prior to the Court's Preliminary Approval of Settlement Agreement, Class Counsel, along with Counsel for the Defendants, discussed with the Court that in the event that there would remain *more than* a sufficient amount to pay \$10.00 per Claimant, a reallocation among the Class could become necessary, rather than *cy pres*, if the amount was greater than nominal. Class Counsel represented to the Court that Class Counsel would move the Court for permission to reallocate a larger amount per Claimant, in order that *cy pres* distribution would be minimal, in light of the overarching recognition that any remaining funds *are for the benefit of the Class*.

Accordingly, Class Counsel now moves for authority to reallocate the remaining funds in accordance with Attachment A, for a payment presently calculated to be \$17.38 per Eligible Class Member. Any remaining funds would still be distributed cy pres in accordance with the Settlement Agreement.

Respectfully submitted,

/s/Dennis E. Murray, Sr.

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#### **CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing will be filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic system and a copy will be forwarded to the following by electronic mail:

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A copy of the foregoing will also be forwarded by ordinary mail to the following:

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on this 12<sup>th</sup> day of July, 2011.

/s/Dennis E. Murray, Sr.

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**ATTACHMENT A**

**Distribution of the Settlement Fund**

In consideration for the dismissal with prejudice of the Actions, and the releases set forth in § V.D. of the Settlement Agreement, Defendants will pay a total \$5.2 million into an interest bearing fund. This “Settlement Fund” is to be used, after payment for fees and expenses, to make payments to class members who timely return a claim form and are determined to be eligible by the claims administrator, the “Eligible Class Members”. Assuming approval of the requested attorney fees, expenses and named plaintiffs’ compensation, there will remain approximately \$2,433,000 for distribution to Eligible Class Members. The affidavit of Class Action Administration, Inc. has established that there are 139,941 such Eligible Class Members. Dividing the \$2,433,000 by 139,941 would amount to \$17.38 per Claimant.